

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE, KOLKATA

IN

ORIGINAL APPLICATION NO. 200/2024/EZ

IN THE MATTER OF:

Dr. R. K. Singh

...Appellant

Versus

Union of India

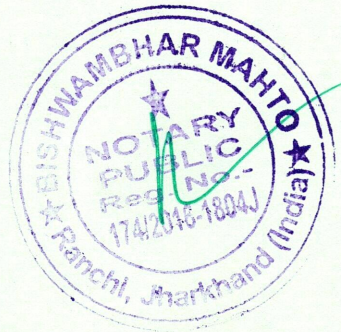
...Respondents

INDEX

S. No	PARTICULARS	PAGE NO.
1.	Affidavit on behalf of the ministry of environment, forest and climate change.	1-6
2.	ANNEXURE R1 - True Copy of the letter dated 17.10.2024.	7-8
3.	ANNEXURE R2 - True Copy of the letter dated 07.11.2024.	9-10
4.	ANNEXURE R3 - True Copy of the letter dated 19.12.2024.	11-12

Place: Ranchi

Dated: 28th January, 2025



28 JAN 2025



IN THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE, KOLKATA

ORIGINAL APPLICATION NO. 200 OF 2024(EZ)

IN THE MATTER OF:

DR. R.K. SINGH

...APPLICANT

V/S

UNION OF INDIA

...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA MINISTRY
OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW
DELHI. (RESPONDENT NO. 1)**

PRELIMINARY SUBMISSIONS:

I Poreddy Sanjeeva reddy, son of P. Rajagopal Reddy, aged 36 years, working as Assistant Inspector General of Forest (AIGF) in the Regional Office at Ranchi to the Government of India, Ministry of Environment, Forest and Climate Change (MoEF&CC), having office located at 2nd Floor, Headquarter-Jharkhand State Housing Board, Harmu Chowk, Ranchi-834002, Jharkhand, do hereby solemnly affirm and state as under:



Authorised under Notaries Act 1952
& Notaries Rules 1956 Govt. of
Jharkhand Ranchi (India)

28 JAN 2025

Ref. No. 1235-Data

P. Reddy

1. That I am duly authorized to swear this affidavit as such conversant with the facts of the present case and competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying affidavit and state that the same has been drafted under my instructions based on the records maintained by the Respondent No. 1 in its normal course of business and the same are true and correct.
3. That the contents of the accompanying reply shall be treated as part of this affidavit and the same are not being repeated for the sake of brevity.
4. At the outset, all the allegations made against the Answering Respondent in the instant OA are denied except those that are specifically admitted herein. The OA is not maintainable against the Answering Respondent either on law or on facts.

STATEMENT OF FACTS:

5. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court. The Central Government deals with policy and regulatory issues at broader level. The role of the Ministry is to frame policy, provide directions, guidance in an advisory capacity and approvals under the provisions of the relevant Central Acts.

28 JAN 2025



6. It is humbly submitted that Section 2 of the Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 {Formerly known as Forest(Conservation) Act, 1980} states:

“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.— (1) Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

(i) that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose.”

7. Furthermore, as per Section 3 of the Act:

“3A. Penalty for contravention -Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period, which may extend to fifteen days”

“3B. Offences by authorities and Government Departments- (1) Where any offence under this Act has been committed-

(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

Reddy

28 JAN 2025



Shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

8. It is humbly submitted that the Ministry vide letter dated 17.10.2024 and reminder letters dated 07.11.2024 and 19.12.2024 requested the Government of Jharkhand to provide a factual report with the documentary evidences on the contentions of the Original Application and may indicate if there is any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The State Government was also requested to inform about the action taken in case a violation is reported. The Ministry has not received any reply from the State Government as yet.

28 JAN 2025

filed by



(True Copy of the letters dated 17.10.2024, 07.11.2024 and 19.12.2024 are annexed as "Annexure R1", "Annexure R2" and "Annexure R3" respectively).

9. It is humbly submitted that the Applicant herein has not mentioned in the Original Application about the User Agency or any specific details related to the alleged violation of Section 3 read with Section 2 of the Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 and neither any information has been received from the State Government in this regard.
8. That this Ministry reserves its right to file additional affidavit as and when required till *pende-lite*.
9. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Tribunal may pass any order as it deem fit.

P. Sanjeeva Reddy

DEPONENT

पी. संजीवा रेड्डी / P. Sanjeeva Reddy
सहायक महानिरीक्षक वन (के.) / AIGF (C)
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi



Notary
NOTARY PUBLIC, RANCHI
28/01/25

Signature Attested and
Identification of Lawyer:
28/01/25

EN/10-3993/05

28 JAN 2025

VERIFICATION

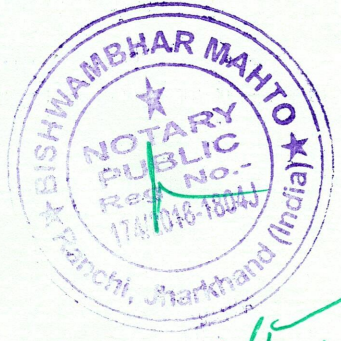
I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at ... **28 JAN 2025** ... on this Day of, 2025.

P. Sanjeeva Reddy

DEPONENT

पी. संजीवा रेड्डी / P. Sanjeeva Reddy
सहायक महानिरीक्षक वन (के.) / AIGF (C)
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Mo Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, रांची
Regional Office, Ranchi



B. Mahto
NOTARY PUBLIC, RANCHI
28/01/25

[Signature]
28/01/25

**Signature Attested and
Identification of Lawyer**

E. No. 3993/05

File No.: FC-7/28/2024-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road,
New Delhi-110003
Dated: 17-10-2024

To,

The Principal Secretary,
Department of Forest, Environment
& Climate Change,
Government of Jharkhand,
Ranchi.

Sub: OA No. 200 of 2024 titled as Dr. R.K. Singh Vs Union of India & Ors. pending before the Hon'ble NGT(EZ), Kolkata - reg.

Sir,

1. This is in apropos with the above stated matter which is pending in the Hon'ble National Green Tribunal(EZ), Kolkata.
2. The applicant through the instant Original Application alleges that Plot nos.-426 and 450 of Village Tetulia, Bokaro Forest Division, Bokaro which is a notified forest vide gazette notification dated 24.05.1958 issued by the Government of Bihar, Patna u/s 29 of Indian Forest Act, 1927, is being used for non-forest purposes without complying with the provisions of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.**(Copy of OA enclosed)**
3. In view of the aforesaid, it is requested to submit a factual report to this Ministry on the allegations raised in the OA **within one week's time from the date of issuance of this letter**. Further, if any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is reported, the State Government may initiate appropriate action and submit an action taken report to this Ministry.

This may be treated on urgent basis.

Yours faithfully,

Encl. As above.

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to: The Deputy Director General of Forests(C), Regional Office Ranchi with a request to submit its comments on the contentions in the

OA.

REMINDER-I

File No.: FC-7/28/2024-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road,
New Delhi-110003

Dated: As per E-sign.

To,

The Principal Secretary,
Department of Forest, Environment
& Climate Change,
Government of Jharkhand,
Ranchi.

Sub: OA No. 200 of 2024 titled as Dr. R.K. Singh Vs Union of India & Ors. pending before the Hon'ble NGT(EZ), Kolkata - reg.

Ref: This Ministry's letter dated 17.10.2024.

Sir,

1. This is in apropos with the above stated matter which is pending in the Hon'ble National Green Tribunal(EZ), Kolkata.
2. The applicant through the instant Original Application alleges that Plot nos.-426 and 450 of Village Tetulia, Bokaro Forest Division, Bokaro which is a notified forest vide gazette notification dated 24.05.1958 issued by the Government of Bihar, Patna u/s 29 of Indian Forest Act, 1927, is being used for non-forest purposes without complying with the provisions of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
3. The Ministry vide its letter dated 17.10.2024 sought a factual report from the State Government. The same has not been received till date.
4. Accordingly, the State Government is reminded to submit a factual report to this Ministry on the allegations raised in the OA expeditiously. Further, if any violation of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 is reported, the State Government may initiate appropriate action and submit an action taken report to this Ministry.

This may be treated on urgent basis.

Yours faithfully,

Encl. As above.

(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to: The Deputy Director General of Forests(C), Regional Office, Ranchi is also reminded to submit their comments on the contentions in the OA.

REMINDER-II

File No.: FC-7/28/2024-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road,
New Delhi-110003

Dated: As per E-sign.

To,

The Principal Secretary,
Department of Forest, Environment
& Climate Change,
Government of Jharkhand, Ranchi.

Sub: OA No. 200 of 2024 titled as Dr. R.K. Singh Vs Union of India & Ors. pending before the Hon'ble NGT(EZ), Kolkata - reg.

Ref: This Ministry's letters dated 17.10.2024 and 07.11.2024.

Sir,

1. This is in apropos with the above stated matter which is pending in the Hon'ble National Green Tribunal(EZ), Kolkata.
2. The applicant through the instant Original Application alleges that Plot nos.-426 and 450 of Village Tetulia, Bokaro Forest Division, Bokaro which is a notified forest vide gazette notification dated 24.05.1958 issued by the Government of Bihar, Patna u/s 29 of Indian Forest Act, 1927, is being used for non-forest purposes without complying with the provisions of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.(Copy of OA enclosed)
3. The Ministry vide its letters dated 17.10.2024 and 07.11.2024 sought a factual report from the State Government. The same has not been received till date.
4. Accordingly, the State Government is again requested to submit a factual report to this Ministry on the allegations raised in the OA expeditiously. Further, if any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is reported, the State Government may initiate appropriate action and submit an action taken report to this Ministry.

This may kindly be treated as 'MOST URGENT' .

Yours faithfully,

Encl. As above.

(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to: The Deputy Director General of Forests(C), Regional Office Ranchi with a request to submit its comments on the contentions raised in the OA.